IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO. 223 of 2005

Between:

1 A.S.Narayana S/o.Laxmaiah, E.No.66520,
Gr-I Drivers, Khammam Depot APSRTC.
2 S.Narasimha Rao S/o.Veera Reddy, E.No.66241,
Gr-I Drivers, Khammam Depot APSRTC.
3 Md.Khaja Miya S/o.Jamaluddin, E.No.67333,
Gr-I Drivers, Khammam Depot APSRTC.

..... PETITIONERS

AND

1 The Regional Manager, APSRTC Khammam Region, Khammam.
2 The Depot Manager APSRTC., Khammam Depot,Khammam Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ of mandamus declaring the action of respondents in not giving 12 years special grade stagnation increments to petitioners with effect from completion of 12 years service is arbitrary, illegal and contrary to the circular and judgments of this Hon'ble court and consequently direct the respondents to release 12 years special grade stagnation increments to petitioners from the date of completion of 12 years of service with arrears and with all consequential benefits forthwith and pass such other orders.

Counsel for the Petitioners:MR.K.VENKATESWARLU

Counsel for the Respondent Nos.1 and 2: SMT.P.RAJINI REDDY

The Court at the admission stage made the following Order:

This writ petition is filed seeking a Writ of Mandamus declaring the action of respondents in not giving twelve years special grade stagnation increment to petitioners as illegal and arbitrary.

Learned counsel for the petitioners contended that the petitioners completed twelve years of service as Grade II Driver, but no stagnation increment has been granted and hence, he prays to grant stagnation increment to the petitioners.

Learned counsel for the respondent-Corporation contended that the petitioners have not completed twelve years of service in one region and therefore, they are not entitled for grant of twelve years increment.

The facts are not in dispute. The petitioners were appointed as Drivers in Khammam Region in the year 1977 and since then they have been working at various places in Khammam district and lastly the first petitioner retired from service on attaining superannuation and petitioners 2 and 3 are working as Grade-I Drivers in Khammam Depot. By circular No.20-63/89 dated 03.06.1989 certain instructions have been issued by the respondent-Corporation to grant stagnation increments to its employees who have completed twelve years of service. The petitioners have completed twelve years of service long back and therefore, they made representation to the respondent-Corporation on 15.07.2004. As per the circular, all

the employees who have completed twelve years of service in the same category are eligible to the stagnation increment. Similar view has been taken by the Division Bench of this Court in W.A.No.1301 of 2000 dated 29.10.2002 whereunder it has confirmed the orders passed in W.P.No.5726 of 2000 dated 23.08.2000 wherein it is held that all the employees working in the respondent-Corporation are entitled to stagnation increment/grade, provided they have completed twelve years of service in the same category. Such completion of twelve years in the same category may not be necessarily in the same division. What is required to be taken is the total length of service of the employees concerned in that particular category.

Therefore, the writ petition is allowed directing the respondents to give twelve years stagnation increment to the petitioners, if they acquire twelve years service in any category irrespective of region or depot, within two months from the date of receipt of a copy of this order. No order as to costs.

19.01.2005

Note:CC in three days

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To

1 The Regional Manager, APSRTC Khammam Region, Khammam.
2 The Depot Manager APSRTC., Khammam Depot,Khammam Dist.

3. Two CD copies.